

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mauri Skier,

Plaintiff,

- against -

Palisades Acquisition XVI, LLC,

Defendant.

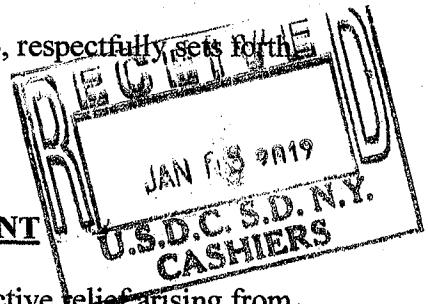
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iv. Action No.

ECF Case - RSS

**COMPLAINT AND
DEMAND FOR
TRIAL BY JURY**

X

Plaintiff Mauri Skier (“Plaintiff” or “Skier”), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant Palisades Acquisition XVI, LLC (“Defendant” or “Palisades”), respectfully sets forth the complains and alleges, upon information and belief, the following:



INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act (“FDCPA”).

PARTIES

2. Plaintiff is a resident of the State of New York, County of Orange, residing at 835 Blooming Grove Turnpike, New Windsor, New York 12553.

3. Defendant is a New York corporation operating as a debt collection firm, with a mailing address at P.O. Box 416269, Boston, Massachusetts 02241, and a principal place of business at

210 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, and is authorized to do business in the State of New York.

4. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 USC Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 USC Sec. 1367(a).

6. Venue is proper in this judicial district pursuant to 28 USC Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff ("Alleged Debt").

9. On or about August 24, 2011, the Defendant sent a letter in which the balance due was stated as \$998.76, "as of August 24, 2011."

10. Defendant employed misleading means to collect a debt.

11. Defendant attempted to collect the amount it had no right to collect.

12. Said actions by the Defendant is a violation of the provisions of 15 USC Sec. 1692e which prohibits the use of any "false, deceptive, or misleading representation or means in connection with the collection of any debt."

13. Said failure on the part of Defendant is also violation of the FDCPA, 15 US 1692f(1), which prohibits collection of any "amount unless such amount is expressly authorized by the agreement creating the debt or permitted by law."

14. As a result of the Defendant's deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

15. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "14" herein with the same force and effect as if the same were set forth at length herein.

16. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692e(10) and 1692f(1).

17. As a result of the Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

18. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this Complaint to which the Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mauri Skier demands judgment from the Defendant Palisades Acquisition XVI, LLC as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC Sec.1692k(a)(2)(A);

- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the provisions of the FDCPA;
- and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
January 3, 2012

Respectfully submitted,

By: 
Samuel A. Ehrenfeld
FREDRICK SCHULMAN & ASSOCIATES
Attorneys at Law
Attorney for Plaintiff
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